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09/882,119	06/15/2001	Govinda Nallappa Rajan	4-25	8642

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EXAMINER

PHAN, TRI H

ART UNIT PAPER NUMBER

2616

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/882,119

Applicant(s)

RAJAN ET AL.

Examiner

Tri H. Phan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7,10,11,13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment/Arguments***

1. This Office Action is in response to the Response/Amendment filed on October 28<sup>th</sup>, 2005. Claims 1-14 are now pending in the application.

### ***Drawings***

2. The drawings are objected to because all blocks in Figures 1-3 should be labeled with descriptive legends based on 37 C.F.R. § 1.84(o) for supporting the objection in the Rules and M.P.E.P. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Figure 1 should be designated by a legend such as -- Prior Art -- because only that which is old is illustrated, e.g. 'IPv4', (see Background of the Invention, Page 1, Lines 14-16). See MPEP § 608.02(g).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 6-7 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the maximum packet size" in line 1. There is insufficient antecedent basis for this limitation in the claim 6, nor in parent claims.

Claim 7 recites the limitation "the maximum packet size" in line 1. There is insufficient antecedent basis for this limitation in the claim 7, nor in parent claims.

Claim 13 recites the limitation "the maximum packet size" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim 13, nor in parent claims.

Claim 14 recites the limitation "the maximum packet size" in line 1. There is insufficient antecedent basis for this limitation in the claim 14, nor in parent claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 5, 8-9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jha, Pankaj K.** (U.S.6,771,663; hereinafter refer as '**Jha**').

- In regard to claims 1 and 8, Jha discloses, *the apparatus and method for concatenating packets to be transmitted from a first node to a second node* (for example see figure 5; Abstract), *which comprising the steps of receiving packets having at least one traffic characteristic from at least one input port* (for example see figures 3, 5 wherein data is received by the input port of the device 102a-n, and determined the types of protocol such as POS, ATM, PDH, etc., e.g. "traffic characteristic groups", carried inside the SPE through the steps 302, 304 of figure 11; col. 11,

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lines 25-37; e.g. *“traffic characteristic classifier”*. It is inherent *“memory”* is used for holding data during processing process); *concatenating n received packets to form a concatenated packet* (‘SONET/SDH payload envelope SPE 200’; wherein the SONET/SDH add/drop multiplexer ADM, e.g. *“concatenated packets preparer”*, is used to add data into the SPE as disclosed in col. 7, lines 32-34), *wherein the concatenated packet comprises a common header, a content information part of each of the n received packets, and a payload of each of the n received packets* (for example see figure 7 wherein the element 202 is the *“common header”* of the SPE, the elements 204a-204n are *“content information part”* and elements such as PPP, IP, Frame Relay, TDM, ATM are *“payload”* of the received packets); *and transmitting the concatenated packet from the first node to the second node, wherein the n received packets have a common traffic characteristic and n is determined based on the common traffic characteristic* (for example see figure 7; col. 8, lines 25-29 wherein each type of packets, e.g. ATM cells, IP packets, etc., has same *“common traffic characteristic”* such as ATM, IP, etc., and carries by the SONET SPE as disclosed in col. 2, lines 22-28, 36-41, 45-51; through the use of the fixed size virtual tributaries disclosed in col. 1, lines 36-39) *and at least one packet characteristic, the at least one packet characteristic comprising at least one of a size of the content information part of each of the n received packets, a size of the payload of each of the n received packets, or a size of the common header* (wherein the ATM cells carry by the SONET SPE have the same size of header or payload, e.g. *“packet characteristic”*).

- Regarding claims 2 and 9, Jha further discloses, *wherein the concatenated packet is transmitted through a channel in a communication network* (for example see figure 3; col. 6,

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lines 56-60), *wherein the  $n$  packets belong to the one traffic characteristic group that requires a delay time of less than  $p$  milliseconds ('T1/T3' or 'ATM cells'; for example see col. 2, lines 29-35; and since ATM cells carry QoS-sensitive data with unacceptable delay as disclosed in col. 2, lines 9-10), wherein the common header includes  $H$  bytes, the content information part of each of the  $n$  received packets includes  $I$  bytes, and the payload of for  $i$ th of the  $n$  received packets includes  $P_i$  bytes* (for example see figure 7 wherein the element 202 with " $H$  bytes" is the "common header" of the SPE, the elements 204a-204n with " $I$  bytes" are "content information part" and elements with " $P_i$  bytes" such as PPP, IP, Frame Relay, TDM, ATM are "payload" of the received packets).

- In regard to claims 5 and 12, Jha further discloses, *wherein the concatenated packet is transmitted through a channel in a communication network* (for example see figure 3; col. 6, lines 56-60), *wherein the  $n$  packets belong to the one traffic characteristic group that is delay insensitive ('IP packets'; for example see col. 2, lines 23-35; wherein the IP is well known as 'best effort' service, e.g. "delay insensitive"), wherein the common header includes  $H$  bytes, the content information part of each of the  $n$  received packets includes  $I$  bytes, and the payload of for  $i$ th of the  $n$  received packets includes  $P_i$  bytes* (for example see figure 7 wherein the element 202 with " $H$  bytes" is the "common header" of the SPE, the elements 204a-204n with " $I$  bytes" are "content information part" and elements with " $P_i$  bytes" such as PPP, IP, Frame Relay, TDM, ATM are "payload" of the received packets).

***Response to Amendment/Arguments***

8. Applicant's arguments filed on October 28<sup>th</sup>, 2005 with respect to claims 1-2, 5, 8-9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

9. Claims 3-4 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 6-7 and 13-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Raisanen et al.** (U.S.6,633,540), **Rochberger et al.** (U.S.6,760,309), **Hunt et al.** (U.S.6,430,154) and **Okuda et al.** (U.S.2004/0213248) are all cited to show devices and methods for improving the transmission data with different types over the communication network, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**


Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
March 31, 2006



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4/3/06